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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott Baggs

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EXAMINER

YAM, STEPHEN K

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,900

Applicant(s)

BAGGS, SCOTT

Examiner

Stephen Yam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Minowa Japanese Publication No. 2000-209408 (hereinafter Minowa '408).

Regarding Claim 1, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface (12) with a channel (from (14b) to (14c)) (see Fig. 4) that protrudes from the housing (as the channel is exterior to the housing (11)), said channel having a first surface (right surface of (14)- see Fig.

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4) that is substantially, parallel to and opposed from said source-contact surface, and a second surface (14c- see Fig. 4) substantially orthogonal ((14c) facing upwards) to the first surface (facing to the right), and a flap (14) coupled to the source-contact surface, having a source-backing surface (right surface of (14)- see Fig. 4) substantially parallel to the source-contact surface of the housing (see Fig. 4), wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving an edge of a source (above (14b)) to be scanned.

Regarding Claim 2, Minowa '408 teaches (see Fig. 4) a portion of the vertical source-contact surface of the housing comprising a platen (12) to permit scanning of a source document in a vertical position.

Regarding Claim 4, Minowa '408 teaches the flap includes an inclined surface (on (14) adjacent to (14b)) adjacent to the aperture.

Regarding Claim 5, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 6, Minowa '408 teaches (see Fig. 7) the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned.

Regarding Claim 7, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of the channel when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing.

Regarding Claim 8, Minowa '408 teaches the platen having an upper edge, an opposing lower edge, a front edge relatively coexistent with a front panel of the housing and a distal edge and wherein the channel is adjacent to the lower edge of the platen (see Fig. 4 and 6).

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Regarding Claim 12, Minowa '408 teaches the slot positioned to permit the placement of a relatively short source document on edge on the channel wherein information to be scanned is aligned with at least a portion of a platen (see Fig. 4).

Regarding Claim 13, Minowa '408 teaches (see Fig. 7) the housing configured to extend the channel from the vertical source-contact surface when an operator adjusts the source-backing surface in relation to the vertical source contact surface of the housing to increase the width of the aperture (see Fig. 7).

Regarding Claim 14, Minowa '408 teaches (see Fig. 4) the width of a first end (14b) of the channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of the channel that extends beyond the platen (under (14c)).

Regarding Claim 16, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising means (11) for housing an optical scanner (13) (see Fig. 1), and means (14) for forming an aperture (from (14b) to (14c)) configured to closely receive a leading edge of a source (bottom edge going into (14b)- see Fig. 6), such that the source can be spatially arranged with said optical scanner without adjusting the aperture, the source being supported along a second edge (left edge- see Fig. 6) of said source along a channel means (14, 14c) when the source is aligned with the optical scanner while in the aperture and spatially arranged with said optical scanner, wherein said channel means protrudes from said means for housing (as the channel is exterior to the housing (11)) and comprises a source retaining means (14) substantially parallel to, and opposed from, said optical scanner and a source support means (14c) substantially orthogonal ((14c) facing upwards) to said source retaining means (facing to the right).

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Regarding Claim 17, Minowa '408 teaches (see Fig. 6) the source retaining means of said channel means extending vertically from a base (30b) of said channel means and said source support means is substantially parallel to said base of said channel means (as both have surfaces facing upwards/downwards and extending from the front to the back of the device).

Regarding Claim 18, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a flap having a slot (14b).

Regarding Claim 19, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a first inclined surface (on (14) adjacent to (14b)) associated with a flap.

Regarding Claim 20, Minowa '408 teaches (see Fig. 4 and 6) a method for saving space on a desktop comprising providing an optical scanner (13) (see Fig. 1) having a housing (11), the housing having a substantially vertical source-contact surface with a channel (from (14b) to (14c)) protruding from the housing (as the channel is exterior to the housing (11)), the channel having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion (12), wherein the channel is adjacent to a lower edge of the transparent platen portion (see Fig. 4 and 6) and further comprises a second surface (14c) substantially orthogonal ((14c) facing upwards) to the first surface, and providing a flap (14) coupled to the source-contact surface, having a source backing surface (right surface of (14)- see Fig. 6) substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving a source to be scanned.

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Regarding Claim 21, Minowa '408 teaches inserting (see Fig. 6) a leading edge of a source (above (14b)) to be scanned into the aperture formed by the source contact surface, the source-backing surface, and the channel such that the source is supported along a second edge (left and right) by the channel.

Regarding Claim 22, Minowa '408 teaches (see Fig. 4) spatially arranging the flap and the housing wherein pressure is applied to a non-scan surface of the source and the scan surface of the source closely contacts the transparent platen portion.

Regarding Claim 23, Minowa '408 teaches enabling the optical scanner to scan the source (see Paragraph 0014).

Regarding Claim 24, Minowa '408 teaches (see Fig. 1 and 5) spatially arranging the flap and the housing wherein pressure is removed from the non-scan surface of the source.

Regarding Claim 25, inherently a source is removed from a scanner after the scanning process.

Regarding Claim 26, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface, a channel (from (14b) to (14c)) protruding from the housing (as the channel is exterior to the housing (11)), having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to and opposed from said source-contact surface and a second surface (14c) substantially orthogonal ((14c) facing upwards) to the first surface, and a flap (14) coupled to the housing, the flap having a source-backing surface (right surface of (14)- see Fig. 6) substantially parallel to the source-contact surface of the housing, wherein the source contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving an

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edge of a source to be scanned without necessitating relative movement between the flap and the housing.

Regarding Claim 28, Minowa '408 teaches the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to the opening, the inclined surface arranged to increase the opening along a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface.

Regarding Claim 29, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 30, Minowa '408 teaches (see Fig. 4) the slot positioned to permit the placement of a relatively short source document on edge on said channel and wherein information to be scanned from the source document is aligned with at least a portion of a platen.

Regarding Claim 31, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of said channel when the source-backing surface is in close proximity to the source-contact surface.

Regarding Claim 32, Minowa '408 teaches (see Fig. 6) said channel having a first end proximal to a front panel of the housing and a distal end that extends at least to a distal edge of a platen.

Regarding Claim 34, Minowa '408 teaches (see Fig. 7) the housing is configured to extend said channel from the source-contact surface when an operator adjusts the source-backing surface in relation to the source-contact surface to increase the width of the aperture (see Fig. 7).

Regarding Claim 35, Minowa '408 teaches (see Fig. 4) the width of said channel at a first end (14b) of said channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of said channel that extends beyond a platen (under (14c)).

Regarding Claim 37, Minowa '408 teaches a method for arranging a source in a scanner comprising inserting (see Fig. 4 and 6) a leading edge of the source (above (14b)) into an aperture (14b) formed by a channel (from (14b) to (14c)) that protrudes from a housing (11) (as the channel is exterior to the housing (11)), having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to and opposed from, a platen (12) of the scanner such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (13) (see Fig. 1) arranged in a substantially vertical plane and such that a second edge of the source (above (14b)) is supported by a base surface (14c) of said channel, said base surface extending adjacent to an edge of said platen (see Fig. 4), and adjusting (by insertion) the source such that the information desired to be imaged is aligned with the sensor.

4. Claims 40-43, 59-63, and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Onoda US Patent No. 6,433,941.

Regarding Claim 40, Onoda teaches (see Fig. 1b, 3, and 8) a space-saving scanner assembly, comprising a housing (outside portion of (50)) having a substantially vertical source-contact surface (10) (see Fig. 3 and 8 and Col. 4, lines 46-51), a flap (40) coupled to the source-contact surface with a source-backing surface (surface of (40) facing (10)) substantially parallel to the source-contact surface of the housing, and a support track (23a) (see Fig. 1B) interposed between said housing and said flap, said support track comprising a first member (23) in juxtaposition with the substantially vertical source-contact surface and the source-contact surface, wherein the source-contact surface, the source-backing surface, and said support track form an aperture (23a) for receiving an edge of a source (P) to be scanned.

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Regarding Claim 41, Onoda teaches (see Fig. 1b and 3) a portion of the vertical source-contact surface of the housing comprising a platen (10) to permit scanning of a source document in a vertical position (see Fig. 8 and Col. 4, lines 46-51).

Regarding Claim 42, Onoda teaches (see Fig. 3) the platen having an upper edge, an opposing lower edge, a front edge relatively coexistent with a front panel of the housing, and a distal edge and wherein said support track is adjacent to the lower edge of the platen (see Fig. 1b).

Regarding Claim 43, Onoda teaches (see Fig. 1B and 3) said support track having a first end proximal to a front panel of the housing and a distal end that extends at least to the distal edge of the platen.

Regarding Claim 59, Onoda teaches (see Fig. 1B, 3, and 8) a method for saving space on a desktop, comprising providing an optical scanner (50) within a housing (outside portion of (50)), the housing having a substantially vertical source-contact surface (10) (see Fig. 3 and 8 and Col. 4, lines 46-51) with a support track (23a) (see Fig. 1B) protruding from the housing, the support track having a first member (23) comprising a first source-backing surface (lower) substantially parallel to, and opposed from, said source-contact surface, and providing a flap (40) coupled to the source-contact surface, having a second source-backing surface (surface of (40) facing (10)) substantially parallel to the source-contact surface of the housing, the second source-backing surface substantially parallel to and opposed from, a second surface (left) of the first member, the second source-backing surface also opposed to said first source-backing surface (see Fig. 3), wherein the source-contact surface, the second source-backing surface, and the first source-backing surface form an aperture (23a) for receiving a source (P) to be scanned.

Regarding Claim 60, Onoda teaches inserting a leading (bottom) edge of a source to be scanned into the aperture formed by the source-contact surface, the second source-backing surface, and the support track such that the source is supported along a second (bottom) edge by the support track (see Fig. 1B).

Regarding Claim 61, Onoda teaches (see Fig. 1B and 3) spatially arranging the flap and the housing wherein the second source-backing surface and the first source-backing surface are juxtaposed to a non-scan surface (left in Fig. 1B) of the source and a scan surface (right in Fig. 1B) of the source is juxtaposed to the source-contact surface.

Regarding Claim 62, Onoda teaches enabling the optical scanner to scan the source (see Col. 1, lines 16-20).

Regarding Claim 63, Onoda teaches removing the source from the aperture (as inherently a source is removed from a scanner after the scanning process).

Regarding Claim 75, Onoda teaches (see Fig. 1B, 3, 8) a method for arranging a source (P) in a scanner (50) comprising inserting a leading edge of the source into an aperture (23a) formed by a support track (23) that protrudes from a housing, the support track comprising a first member (part of (23) to the left of (P)) and a second member (part of (23) below (P)), the first member having a surface that is substantially parallel to, and opposed from, a platen (10) of the scanner such that a surface (right side of (P)) of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (3) arranged in a substantially vertical plane (see Fig. 8) and such that said leading edge is supported by an upper surface of the second member (see Fig. 1B), said upper surface extending adjacent to an edge of said platen (see Fig.

1B), and adjusting the source (placing it in (23a)) such that the information desired to be imaged is aligned with the sensor (see Fig. 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 11, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa et al. US Patent No. 6,408,161 (hereinafter Minowa '161).

Minowa '408 teach the assembly in Claims 4 and 26, according to the appropriate paragraph above. Minowa '408 does not teach the flap coupled to the housing with a post assembly having a plurality of spatially separated detent positions or the flap coupled to the housing with at least one adjustable fastener. Minowa '161 teach (see Fig. 10) a vertical scanner with a flap (139) and an aperture (between (139) and (112) where the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the

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apparatus of Minowa '408, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

7. Claims 3, 9, 15, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa Japanese Publication No. 2001-053918 (hereinafter Minowa '918).

Regarding Claims 3, 9, and 27, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Regarding Claim 9, Minowa '408 teaches (see Fig. 10) the channel having a first end proximal to a front panel of the housing and a distal end that extends at least to an edge (rear) of the platen. Minowa '408 does not teach the housing containing a front panel with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Minowa '918 teaches (see Fig. 4) a vertical scanner with a flap (12A) wherein the front side (side in which where paper (S) is inserted) of the flap contains an inclined surface (by (16)) adjacent to the opening for forming a wider opening, and it is functionally equivalent to have the inclined surface on the flap vs. having it on the front panel of the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an inclined surface on a front panel adjacent to the opening as shown by Minowa '918 in the assembly of Minowa '408, to provide easier insertion and removal of the documents for scanning.

Regarding Claims 15 and 36, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Minowa '408 does not teach said channel coated with a material having a relatively low coefficient of friction. It is well known in the art to use

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materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the channel with a material having a relatively low coefficient of friction, to provide easier movement of documents for insertion and removal from the apparatus.

8. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408.

Minowa '408 teaches the method in Claim 37, according to the appropriate paragraph above. Minowa '408 also teaches (see Fig. 4) a slot (14b) formed in a flap (14), and enabling the scanner to scan the information (see Paragraph 0014) and inherently, the source is removed from the scanner assembly after the scanning process. Minowa '408 does not teach inserting a plug into a slot formed in a flap and then removing the plug. It is well known in the art to cover an optical scanning device to block ambient light from adversely affecting the scanning process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert a plug into the slot before scanning and remove the plug after scanning in the method of Minowa '408, to block any ambient light which may propagate into the channel from the slot, to improve scanning contrast and clarity.

9. Claims 44, 46-48, 51, 55-58, 64, 66-68, 70, 73, 74, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Minowa '408.

Regarding Claims 55, 56, 64, 66, and 70, Onoda teaches (see Fig. 1B, 3, and 8) a space-saving scanner assembly, comprising means for housing (outside portion of (50)) an optical scanning means (50), and means for forming an aperture (23a) configured to closely receive a leading (lower) edge of a source (P) along a plane substantially orthogonal to a front surface of the means for housing (see Fig. 3), the source being supported along a second (lower) edge of said source by a support means (23) in the aperture, wherein said support means is interposed between a first source-retaining means (40) and said optical scanning means. Regarding Claim 64, Onoda teaches (see Fig. 1B, 3, and 8) a space-saving scanner assembly, comprising a housing (outside portion of (50)) having a substantially vertical source-contact surface (10) (see Fig. 3 and 8 and Col. 4, lines 46-51) comprising a platen (10), a flap (40) coupled to the housing, having a source-backing surface (surface of (40) facing (10)) substantially parallel to the source-contact surface of the housing, and a support track (23a) interposed between the source-contact surface and the source-backing surface proximal to a perimeter segment of the platen (see Fig. 1B), said support track comprising a first member (23) having a first surface (lower) juxtaposed from the source-contact surface and a second surface (left) juxtaposed from the source-backing surface and a support member (20), wherein the source-contact surface, the source-backing surface, and the support track form an aperture (23a) for receiving a first edge (lower) of a source (P) to be scanned to align a second edge (lower) of the source with the perimeter segment of the platen (see Fig. 1B). Regarding Claim 56, Onoda teaches said support means comprising a second source retaining means (23) substantially parallel to the optical scanning means (see Fig. 1B and 3). Regarding Claim 70, Onoda teaches (see Fig. 1B and 3) said support track having a first end proximal to a front panel of the housing and a distal end that extends at least to the distal

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edge of the platen. Onoda does not teach receiving the first edge of the source without necessitating relative movement between the flap and the housing, or the source spatially arranged with the optical scanning means without adjusting the aperture, or the means for forming an aperture comprising a first inclined surface (on (14) adjacent to (14b)) associated with a flap, or the flap including an inclined surface adjacent to the aperture, the inclined surface arranged such that the aperture is larger adjacent to a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface. Minowa teaches (see Fig. 4 and 6) a similar scanner, with an aperture (14b) for receiving a first edge (lower) of a source (above (14b)) without necessitating relative movement between the flap and the housing (see Fig. 4 and 6), with the source spatially arranged with an optical scanning means without adjusting the aperture (see Fig. 4 and 6), the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to the aperture, the inclined surface arranged such that the aperture is larger adjacent to a front edge (top) of the flap, wherein the front edge is substantially perpendicular to the source-backing surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receiving a first edge of a source without necessitating relative movement between the flap and the housing, with the source spatially arranged with a optical scanning means without adjusting the aperture, with the flap including an inclined surface adjacent to the aperture, the inclined surface arranged such that the aperture is larger adjacent to a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface, as taught by Minowa, in the scanner of Onoda, to enable easier access for placement of a source without opening the flap, as taught by Minowa (see Fig. 6 and 7).

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Regarding Claims 44, 46-48, 51, 57, 67, 68, 73, Onoda (in view of Minowa '408 for claims dependent on Claims 55 and 64) teaches the assembly in Claims 40, 42, and 64, according to the appropriate paragraph above. Onoda does not teach the width of a first end of the support track proximal to the front panel of the housing increasing over that portion of the support track that extends beyond the platen, the flap including an inclined surface adjacent to the aperture, the flap having a slot positioned to permit the placement of a relatively short source document on edge on the support track wherein information to be scanned is aligned with at least a portion of a platen, or the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned. Minowa teaches (see Fig. 4 and 6) a similar assembly, with the width of a first end (14b) of a support (from (14b) to (14c)) proximal to a front panel (side with (14b)) of a housing (11) increasing over that portion of the support that extends beyond the platen (under (14c)) (see Fig. 4), the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to an aperture (14b), with a flap (14) including a slot (14b) positioned to permit the placement of a relatively short source document on edge on the support wherein information to be scanned is aligned with at least a portion of a platen (see Fig. 4), the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the width of a first end of the support track proximal to the front panel of the housing increasing over that portion of the support track that extends beyond the platen, the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to the aperture, with the flap having a slot positioned to permit the placement of a relatively short source document on edge on the support track wherein information to be scanned is aligned with

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at least a portion of a platen, the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned, as taught by Minowa, in the assembly of Onoda (in view of Minowa where appropriate), to enable easier access for placement of a source without opening the flap, as taught by Minowa (see Fig. 6 and 7).

Regarding Claim 58, Onoda in view of Minowa '408 teaches the assembly in Claim 55, according to the appropriate paragraph above. Minowa '408 also teaches (see Fig. 7) the means for forming an aperture comprising a second inclined surface associated with the first source retaining means. Onoda and Minowa do not teach a first inclined surface associated with said means for housing. It is well known in the art to provide inclined surfaces on both sides of an opening or aperture, to provide easier insertion of objects into the opening or aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a first inclined surface associated with said means for housing, in the assembly of Onoda in view of Minowa '408, to enable easier insertion of the source by a narrowing path.

Regarding Claim 74, Onoda in view of Minowa '408 teaches the assembly in Claim 64, according to the appropriate paragraph above. Onoda does not teach an upper surface of the support member coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the upper surface of the support member with a material having a relatively low coefficient of friction in the assembly of Onoda in view of Minowa '408, to provide easier movement of documents for insertion and removal from the apparatus.

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Regarding Claims 76 and 77, Onoda teaches the method in Claim 75, according to the appropriate paragraph above. Onoda also teaches a flap (40) substantially parallel with the platen of the scanner, enabling the sensor to scan the information (see Col. 1, lines 16-20), and inherently, the source is removed from the scanner assembly after the scanning process. Onoda does not teach inserting a plug into a slot formed in the flap, and removing the plug. Minowa '408 teaches (see Fig. 4) a similar method, with a slot (14b) formed in a flap (14), and enabling the scanner to scan the information (see Paragraph 0014). Onoda and Minowa '408 does not teach inserting a plug into a slot formed in a flap and then removing the plug. It is well known in the art to cover an optical scanning device to block ambient light from adversely affecting the scanning process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a slot in the flap, as taught by Minowa '408, and to insert a plug into the slot before scanning and remove the plug after scanning in the method of Onoda, to enable easier access for placement of a source without opening the flap, as taught by Minowa '408 (see Fig. 6 and 7), and to block any ambient light which may propagate into the aperture from the slot, to improve scanning contrast and clarity.

10. Claims 45 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda (in view of Minowa '408 where appropriate) in view of Minowa '918.

Regarding Claims 45 and 65, Onoda (in view of Minowa '408 where appropriate) teaches the assembly in Claims 40 and 64, according to the appropriate paragraph above. Onoda does not teach the housing containing a front panel with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Minowa '918

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teaches (see Fig. 4) a vertical scanner with a flap (12A) wherein the front side (side in which where paper (S) is inserted) of the flap contains an inclined surface (by (16)) adjacent to the opening for forming a wider opening, and it is functionally equivalent to have the inclined surface on the flap vs. having it on the front panel of the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an inclined surface on a front panel adjacent to the opening as shown by Minowa '918 in the assembly of Onoda (in view of Minowa '408 where appropriate), to provide easier insertion and removal of the documents for scanning.

11. Claims 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Minowa '161.

Regarding Claims 49 and 50, Onoda teaches the assembly in Claim 40, according to the appropriate paragraph above. Onoda does not teach the flap coupled to the housing with a post assembly having a plurality of spatially separated detent positions or the flap coupled to the housing with at least one adjustable fastener. Minowa '161 teach (see Fig. 10) a vertical scanner with a flap (139) and an aperture (between (139) and (112) where the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the

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assembly of Onoda, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

12. Claims 52, 53, 69, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda (in view of Minowa '408 when appropriate) in view of Griffin US Patent No. 6,233,064.

Regarding Claims 52, 53, 69, and 72, Onoda (in view of Minowa '408 when appropriate) teaches the assembly in Claims 40 and 64, according to the appropriate paragraph above. Onoda does not teach the housing further comprising a recess configured to receive a portion of the support track when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing, or wherein the housing is configured to extend said support track from the vertical source-contact surface when an operator adjusts the source-backing surface in relation to the vertical source-contact surface of the housing to increase the width of the aperture. Griffin teaches (see Fig. 1 and 6) a similar assembly, with a housing (114) comprising a recess (114s) configured to receive a portion (116p) of a support track (116) when an operator closely adjusts a source contact surface (130) to the substantially vertical surface of the housing (see Fig. 6 and Col. 4, lines 16-31), wherein the housing is configured to extend said support track from the vertical source-contact surface (see Col. 4, lines 17-20) when an operator adjusts the source-backing surface in relation to the vertical source-contact surface of the housing to increase the width of the support area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the housing with a recess configured to receive a portion of the support track when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing, wherein the housing is configured to extend said

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support track from the vertical source-contact surface when an operator adjusts the source-backing surface in relation to the vertical source-contact surface of the housing to increase the width of the aperture, as taught by Griffin, in the assembly of Onoda (in view of Minowa '408 when appropriate), to enable removability of the support track when copying large books, as taught by Griffin (see Col. 4, lines 17-20).

13. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda.

Regarding Claim 54, Onoda teaches the assembly in Claim 40, according to the appropriate paragraph above. Onoda does not teach the support track coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the support track with a material having a relatively low coefficient of friction in the assembly of Onoda, to provide easier movement of documents for insertion and removal from the apparatus.

14. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Minowa '408, further in view of Minowa '161.

Onoda in view of Minowa '408 teaches the assembly in Claim 64, according to the appropriate paragraph above. Onoda does not teach the flap coupled to the housing with a post assembly having a plurality of spatially separated detent positions or the flap coupled to the housing with at least one adjustable fastener. Minowa '161 teach (see Fig. 10) a vertical scanner

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with a flap (139) and an aperture (between (139) and (112) where the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the assembly of Onoda in view of Minowa '408, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

Response to Arguments

15. Applicant's arguments filed March 11, 2004 have been fully considered but they are not persuasive.

Regarding Applicant's arguments on the definition of "channel", by Applicant's own definition, a channel is an elongated groove, and the area from (14a) to (14b) of Minowa is clearly a groove, as it allows the paper to be inserted, as seen in Fig. 4 and 6.

Regarding Applicant's arguments on Examiner's interpretation of "protrude", Examiner asserts that a source (as with all physical objects) inherently has a certain depth and thickness, and since it is placed to the left of the housing (with the left edge of the housing defined by the platen), it therefore "juts out beyond the surrounding surface or context", according to Applicant's recited definition of "protrude". With the same regard, the aperture (defined as the

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space between the housing and the flap) also protrudes from the housing as it "juts out beyond the surrounding surface or context" of the housing.

Examiner also asserts with regard to Claim 16 that Minowa does teach "the source being supported along a second edge of said source along a channel means", as the left edge of the source (as seen in Fig. 6) is supported by the side of the channel (by the left edge of (14b), since the flap contains a left boundary for the paper, seen in Fig. 6), while the aperture receives a source along a leading edge (the bottom edge of the paper according to Fig. 6).

Regarding Applicant's arguments for Claim 37, Applicant argues that Minowa does not teach a second edge of the source supported by a base surface of the channel. Examiner asserts that Applicant fails to claim a distinction between a "leading edge" and a "second edge", and a permissible interpretation of the claim limitations allows the bottom edge of the paper to serve as both a leading edge and a second edge (since an edge is an attribute of an object, as opposed to a separate physical object).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

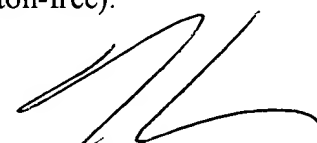
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571)272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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THANH X. LUU
PATENT EXAMINER